

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 200

AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) ~~Beginning with the class of students who expect to graduate during the 1999-2000 school year, Except as provided in subsection (b),~~ each student is required to meet:

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing body;

to be eligible to graduate.

**(b) Except as provided in subsections (d), (e), (f), (g), (h), and (i), beginning with the class of students who expect to graduate during the 2010-2011 school year, each student is required to meet:**

- (1) the academic standards tested in the graduation examination;**
- (2) the Core 40 course and credit requirements adopted by the board under IC 20-10.1-5.7; and**
- (3) any additional requirements established by the governing body;**

**to be eligible to graduate.**

~~(b)~~ (c) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be

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tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

~~(c)~~ A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:

- ~~(1)~~ The principal of the school the student attends certifies that the student will within one ~~(1)~~ month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.
- ~~(2)~~ The student otherwise satisfies all state and local graduation requirements.

~~(d)~~ A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection ~~(e)~~ **(b)** may be eligible to graduate if the student does all of the following:

- (1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.
- (2) Completes remediation opportunities provided to the student by the student's school.
- (3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
- (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.
- (5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:
  - (A) be concurred in by the principal of the student's school; and
  - (B) be supported by documentation that the student has attained the academic standard in the subject area based upon:
    - (i) tests other than the graduation examination; or
    - (ii) classroom work.
- ~~(6)~~ **(5)** Otherwise satisfies all state and local graduation requirements.

**(6) Either:**

**(A) completes:**

- (i) the course and credit requirements for a general diploma, including the career academic sequence;**

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- (ii) a workforce readiness assessment; and
- (iii) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school; or

**(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based upon:**

- (i) tests other than the graduation examination; or**
- (ii) classroom work.**

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

- (A) be concurred in by the principal of the student's school; and
- (B) be supported by documentation that the student has attained the academic standard in the subject area based upon:
  - (i) tests other than the graduation examination; or
  - (ii) classroom work.

(2) The student meets all of the following requirements:

- (A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
- (B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
- (C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
- (D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

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(E) Otherwise satisfies all state and local graduation requirements.

(f) Upon the request of a student's parent, the student may be exempted from the Core 40 curriculum requirement set forth in subsection (b) and required to complete the general curriculum to be eligible to graduate. Except as provided in subsection (j), the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

- (1) continuing the general curriculum; or
- (2) completing the Core 40 curriculum.

(g) This subsection applies to a student who does not pass at least three (3) courses required under the Core 40 curriculum. Except as provided in subsection (j), the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

- (1) continuing in the Core 40 curriculum; or
- (2) completing the general curriculum.

(h) This subsection applies to a student who receives a score on the graduation examination that is in the twenty-fifth percentile or lower when the student takes the graduation examination for the first time. Except as provided in subsection (j), the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

- (1) continuing in the Core 40 curriculum; or
- (2) completing the general curriculum.

(i) A decision with regard to whether a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the requirements of subsection (b)(2) shall be made in accordance with the student's individualized education program and federal law.

(j) This subsection applies if the parent of a student to whom subsection (g) or (h) applies does not attend a meeting with the student and the student's counselor after receiving two (2) written requests to attend a meeting. If the student's parent does not attend a meeting described in subsection (g) or (h), the student and the

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student's counselor shall meet and:

(1) the student's counselor shall make a recommendation to the student as to whether the student will achieve greater educational benefits by:

(A) continuing in the Core 40 curriculum; or

(B) completing the general curriculum; and

(2) the student shall determine which curriculum the student will complete.

SECTION 2. IC 20-12-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 17.5. Admission Requirements for State Educational Institutions**

**Sec. 1. (a)** This chapter applies beginning with the class of students who enter a state educational institution as freshmen during the 2011-2012 academic year.

(b) As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

**Sec. 2. (a)** This section does not apply to:

(1) Ivy Tech State College; and

(2) Vincennes University with respect to two-year degree programs.

(b) Except as provided in sections 5 and 6 of this chapter, each state educational institution must require a student who is an Indiana resident to have completed either:

(1) the Core 40 curriculum established under IC 20-30-10; or

(2) a curriculum that is equivalent to the Core 40 curriculum; as a general requirement for regular admission as a freshman to the state educational institution.

(c) Each state educational institution must establish the institution's:

(1) requirements for regular admission; and

(2) exceptions to the institution's requirements for regular admission.

**Sec. 3. (a)** This section applies to:

(1) Ivy Tech State College; and

(2) Vincennes University with respect to two-year degree programs.

(b) A student who enters a state educational institution to which this section applies to obtain a two-year degree is not required to have completed either:

(1) the Core 40 curriculum established under IC 20-30-10; or

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(2) a curriculum that is equivalent to the Core 40 curriculum; to be admitted to the state educational institution.

**Sec. 4.** The commission for higher education created under IC 20-12-0.5-2 shall encourage accredited private institutions of higher education to adopt general regular admissions requirements and exceptions to the regular admissions requirements that are similar to the requirements set forth in section 2 of this chapter.

**Sec. 5. (a)** This section applies to a student who has not completed:

- (1) the Core 40 curriculum established under IC 20-30-10; or
- (2) a curriculum that is equivalent to the Core 40 curriculum.

(b) A student to whom this section applies may apply for acceptance as a transfer student at a state educational institution to which section 2 of this chapter applies if the student has successfully completed at least twelve (12) credit hours of college level courses with at least a "C" average or the equivalent in each course.

**Sec. 6.** The requirement set forth in section 2(b) of this chapter that a student must complete the Core 40 curriculum or a curriculum equivalent to the Core 40 curriculum for regular admission does not apply to a student who will be at least twenty-one (21) years of age during the semester for which the student seeks admission.

SECTION 3. IC 20-32-4-1, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in subsection (b), a student must meet:

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing body of the student's school corporation;

to be eligible to graduate.

(b) Except as provided in sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, beginning with the class of students who expect to graduate during the 2010-2011 school year, each student is required to meet:

- (1) the academic standards tested in the graduation examination;
- (2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and
- (3) any additional requirements established by the governing body;

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**to be eligible to graduate.**

SECTION 4. IC 20-32-4-4, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section ~~3~~ **1** of this chapter may be eligible to graduate if the student does all the following:

- (1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.
- (2) Completes remediation opportunities provided to the student by the student's school.
- (3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
- (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.
- (5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:
  - (A) be concurred in by the principal of the student's school; and
  - (B) be supported by documentation that the student has attained the academic standard in the subject area based on:
    - (i) tests other than the graduation examination; or
    - (ii) classroom work.
- ~~(6)~~ (5) Otherwise satisfies all state and local graduation requirements.
- (6) Either:
  - (A) completes:
    - (i) the course and credit requirements for a general diploma, including the career academic sequence;
    - (ii) a workforce readiness assessment; and
    - (iii) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school; or
  - (B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be

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concurrent in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

SECTION 5. IC 20-32-4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. A decision with regard to whether a student who is a child with a disability (as defined in IC 20-35-1-2) is subject to the requirements of section 1(b)(2) of this chapter shall be made in accordance with the student's individualized education program and federal law.**

SECTION 6. IC 20-32-4-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7. Upon the request of a student's parent, the student may be exempted from the Core 40 curriculum requirement set forth in section 1 of this chapter and be required to complete the general curriculum to be eligible to graduate. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:**

- (1) continuing the general curriculum; or
- (2) completing the Core 40 curriculum.

SECTION 7. IC 20-32-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. This section applies to a student who does not pass at least three (3) courses required under the Core 40 curriculum. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:**

- (1) continuing in the Core 40 curriculum; or
- (2) completing the general curriculum.

SECTION 8. IC 20-32-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. This section applies to a student who receives a score on the graduation examination that is in the twenty-fifth percentile or lower when the student takes the graduation**

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examination for the first time. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

- (1) continuing in the Core 40 curriculum; or
- (2) completing the general curriculum.

SECTION 9. IC 20-32-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10.** This section applies if the parent of a student to whom section 8 or 9 of this chapter applies does not attend a meeting with the student and the student's counselor after receiving two (2) written requests to attend a meeting. If the student's parent does not attend a meeting described in section 8 or 9 of this chapter, the student and the student's counselor shall meet and:

- (1) the student's counselor shall make a recommendation to the student as to whether the student will achieve greater educational benefits by:
  - (A) continuing in the Core 40 curriculum; or
  - (B) completing the general curriculum; and
- (2) the student shall determine which curriculum the student will complete.

SECTION 10. IC 20-32-4-3 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 11. [EFFECTIVE JULY 1, 2005] Notwithstanding IC 20-32-4-1, as amended by this act, before July 1, 2010, the following apply:

- (1) To be eligible to graduate from high school, each student is required to meet:
  - (A) the academic standards tested in the graduation examination (as defined in IC 20-18-2-6); and
  - (B) any additional requirements established by the governing body (as defined in IC 20-18-2-5).
- (2) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.
- (3) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all the

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following occur:

- (A) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the Indiana state board of education under IC 20-30-10.
- (B) The student otherwise satisfies all state and local graduation requirements.
- (4) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subdivision (3) may be eligible to graduate if the student does all the following:
  - (A) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.
  - (B) Completes remediation opportunities provided to the student by the student's school.
  - (C) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
  - (D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.
  - (E) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:
    - (i) be concurred in by the principal of the student's school; and
    - (ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.
  - (F) Otherwise satisfies all state and local graduation requirements.
- (5) This subdivision applies to a student who is a child with a disability (as defined in IC 20-35-1-2). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:
  - (A) The student's teacher of record, in consultation with a

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teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

- (i) be concurred in by the principal of the student's school; and
- (ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.

**(B) The student meets all the following requirements:**

- (i) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
- (ii) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
- (iii) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
- (iv) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.
- (v) Otherwise satisfies all state and local graduation requirements.

**SECTION 12. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.**

**(b) To ensure the successful implementation of the requirement that, beginning with the 2010-2011 school year and with certain exceptions, a student must complete the Core 40 curriculum in order to graduate from high school, the department shall conduct a survey to determine whether a shortage of mathematics, science, and special education teachers exists in public schools, particularly in urban and rural areas.**

**(c) Not later than November 1, 2005, the department must:**

- (1) report the results of the survey conducted under subsection (b); and**
- (2) recommend strategies to address any shortages that are found to exist;**

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to the Indiana state board of education established by IC 20-19-2-2, the education roundtable established by IC 20-19-4-2, and the legislative council (in an electronic format under IC 5-14-6).

(d) This SECTION expires November 2, 2005.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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